

5699. Misbranding of cottonseed meal. U. S. * * * v. Houston County Oil Mill & Mfg. Co., a corporation. Plea of nolo contendere. Verdict of guilty. Fine, \$50 and costs. (F. & D. No. 7818. I. S. No. 19955-1.)

On January 15, 1917, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Houston County Oil Mill & Mfg. Co., a corporation, Crockett, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 15, 1916, from the State of Texas into the State of Iowa, of a quantity of an article labeled in part, "Imperial Cotto Brand Choice Cotton Seed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Ether extract (crude fat) (per cent)	6.7
Crude fiber (per cent)	11.8
Crude protein (per cent)	39.9
Total nitrogen (per cent)	6.38
Total ammonia (per cent)	7.76

It contains less ammonia, nitrogen, protein, and crude fat, and more crude fiber than is declared on the label.

Misbranding of the article was alleged in the information for the reason that the statement borne on the tags attached to the sacks regarding the article and the ingredients and substances contained therein, to wit,

"Guaranteed Analysis	Not Less Than
Ammonia	8.00%
Nitrogen	6.50%
Protein	41.00% to 45.00%
Crude Fat	8.00%
Crude Fibre (Maximum)	9.00% "

was false and misleading in that it represented that the article contained not less than 8 per cent of ammonia, 6.50 per cent of nitrogen, 41 per cent of protein, and 8 per cent of crude fat, and not more than 9 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, 6.50 per cent of nitrogen, 41 per cent of protein, and 8 per cent of crude fat, and not more than 9 per cent of crude fiber, whereas, in truth and in fact, it contained less than 8, 6.50, 41, and 8 per cent of ammonia, nitrogen, protein, and crude fat, respectively, and more than 9 per cent of crude fiber, to wit, 7.76 per cent of ammonia, approximately 6.38 per cent of nitrogen, approximately 39.9 per cent of protein, 6.7 per cent of crude fat, and 11.8 per cent of crude fiber.

On January 23, 1917, the defendant company entered a plea of nolo contendere to the information, and the court charged the jury to return a verdict of guilty, and upon the foregoing verdict the court imposed a fine of \$50 and costs.

C. F. MARVIN, Acting Secretary of Agriculture.